

Fresno, California

October 30, 2007

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Brian Calhoun	Councilmember
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Cynthia Sterling	Councilmember
	Larry Westerlund	Councilmember
	Blong Xiong	Acting Council
	Henry Perea	Council President

Andy Souza, City Manager  
Jim Sanchez, City Attorney  
Becky Klisch, City Clerk  
Yolanda Salazar, Assistant City Clerk

Reverend Rachel Smith of Trinity Church of the Nazarene gave the invocation, and President Perea led the Pledge of Allegiance.

RESOLUTION OF COMMENDATION TO FRANK BALEKIAN, ACCOUNTANT/AUDITOR FOR THE FINANCE DEPARTMENT,  
FOR HIS SERVICE TO THE CITY AND ON HIS RETIREMENT

PRESENTATION OF THE 2007 ORCHID AWARDS - COUNCILMEMBER CALHOUN

PRESENTATION OF ASE AWARD PREMIUM PAY CHECKS TO FLEET MANAGEMENT TECHNICIANS

The above Resolution was read and presented and the presentations were made.

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**APPROVE MINUTES OF OCTOBER 23, 2007:**

\_\_\_\_\_ On motion of Councilmember Westerlund, seconded by Councilmember Dages, duly carried, RESOLVED, the minutes of October 23, 2007, approved as submitted.

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**COUNCIL MEMBER REPORTS AND COMMENTS:**

COUNCILMEMBER DUNCAN: (1) Request for status on the CHP patrolling city streets to assist in the Governor's anti-gang initiative, with City Manager Souza stating staff would report back; (2) request Council think about whether the November 7<sup>th</sup> joint meeting with Fresno County on the homeless should still occur since only Supervisor Waterston will be attending; and (3) encouragement to all to go to the Fresno County Assessor's website for information on Proposition 8 to possibly help some home owners save on their property taxes.

ACTING PRESIDENT XIONG: Thank you to Councilmembers Duncan, Dages and Sterling for participating, or allowing participation, in a summit.

COUNCILMEMBER CALHOUN: (1) Importance of, and request to staff, to get the overhead projector in the Council Chamber fixed and operational to help in conducting the public's business; and (2) strong concern with illegal advertising/businesses putting up bandit signs and need to do whatever it takes to assign staffing to address the problem, with Mr. Souza and **(2 - 0)** City Attorney Sanchez responding.

COUNCILMEMBER DAGES: (1) Request staff look into whether the San Joaquin Valley Town Hall organization meetings can be exempt from the Convention Center \$.75 ticket surcharge since they are a non-profit agency, with Mr. Souza stating that could be precedent-setting and if it was Council's will to find a way to reimburse staff would work with SMG and return with options; and (2) on-going negotiations with Donald Trump on Running Horse and if there will be an open, level playing field for everyone, with Mr. Souza stating it was wide open but no one else has come forward and further explained.

COUNCILMEMBER STERLING: Joint City/County meeting on the homeless and disappointment that only one Supervisor will be attending, desire to still hold the meeting and meet with the invited officials/delegation, and request staff look into whether the City can bypass the County and take action, with Mr. Souza concurring and stating the agenda would be structured for separate actions.

COUNCILMEMBER WESTERLUND: Concurrence to hold the joint meeting on the homeless as scheduled and intention to schedule a housing issue on the agenda for discussion; (2) thank you to Public Works staff for their work in dealing with Monday night's storm; and (3) report on the second Audit Committee meeting and the informative code enforcement audits.

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**APPROVE AGENDA:**

**(10:00 A.M.) PROPOSED NEW MUNICIPAL WATER DISTRICT**

**1. CONSIDER ADOPTION OF EA-07-31 - INITIAL STUDY AND NEGATIVE DECLARATION RELATING TO THE PROPOSED TRANSFER OF THE PROVISION OF EXISTING WATER, WASTEWATER AND SOLID WASTE SERVICES FROM THE DEPARTMENT OF PUBLIC UTILITIES TO A NEW MUNICIPAL WATER DISTRICT**

**(Continue to November 6, 2007, at 2:45 p.m.)**

Continued as noted.

On motion of Councilmember Westerlund, seconded by President Perea, duly carried, RESOLVED, the **AGENDA** hereby approved as presented, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes	:	None
Absent	:	None

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**ADOPT CONSENT CALENDAR:**

Councilmember Calhoun registered a "NO" vote on item **1-E** and pulled Item **1-H** from the Consent Calendar for separate discussion/action; Councilmember Westerlund registered a "NO" vote on Item **1-B**; and Councilmember Duncan registered a "NO" vote on Item **1-E**.

**(1-A) AWARD AN INTERIM REQUIREMENTS CONTRACT FOR LIQUID NATURAL GAS (LNG) FUEL IN THE AMOUNT OF \$600,000 TO CLEAN ENERGY**

**(1-C) AWARD A REQUIREMENTS CONTRACT, WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS, FOR MEDIUM DUTY CAB AND CHASSIS TRUCKS IN THE AMOUNT OF \$730,245.69 TO REYNOLDS BUICK/PONTIAC/GMC**

**(1-D) AWARD A REQUIREMENTS CONTRACT FOR COMPACT TRUCKS IN THE AMOUNT OF \$110,420.45 TO FREEDOM FORD OF FRESNO, CA**

**(1-F) AWARD A MULTI-PRIME BID PACKAGE FOR BID PACKAGE 11/HEATING, VENTILATION AND AIR CONDITIONING (HVAC), RELATED TO THE DICKEY YOUTH DEVELOPMENT CENTER, IN THE AMOUNT OF \$380,000 TO STRATEGIC MECHANICAL, INC.**

**(1-G) APPROVE AGREEMENT WITH THE ECONOMIC DEVELOPMENT CORPORATION SERVING FRESNO COUNTY (EDC) FOR AN AMOUNT NOT TO EXCEED \$198,000**

**(1-I) RESOLUTION NO. 2007-355 - INITIATING REZONING (PRE-ZONING) ON 7 PARCELS TOTALING APPROXIMATELY 51 ACRES WITHIN THE CITY'S SPHERE OF INFLUENCE LOCATED ON THE NORTH SIDE OF E. COPPER BETWEEN N. WILLOW AND N. MAPLE AVENUES**

**(1-J) APPROVE FIRST AMENDMENT TO THE AGREEMENT WITH HDR ENGINEERING, INC. FOR EVALUATION OF THE CITY'S CUSTOMER INFORMATION SYSTEM'S ABILITY TO INTEGRATE WITH AUTOMATED METER READING TECHNOLOGIES AND TO REASSIGN CONTRACT ADMINISTRATION FROM THE DIRECTOR OF PUBLIC WORKS TO THE DIRECTOR OF PUBLIC UTILITIES**

**(1-K) AWARD A CONTRACT IN THE AMOUNT OF \$148,720 TO HOBBS CONSTRUCTION FOR WELL SITE IMPROVEMENTS AT PUMP STATION 26B**

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea  
Noes : None  
Absent : None

**(1-B) RESOLUTION NO. 2007-353 - 33<sup>RD</sup> AMENDMENT TO THE AAR APPROPRIATING \$794,700 IN PROPERTY/LIABILITY SELF-INSURANCE FUND TO PAY THE AIRPORT ENTERPRISE FUND FOR THE FIRST INSTALLMENT OF THE SETTLEMENT AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION (FAA)**

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution No. 2007-353 hereby adopted, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Xiong, Perea  
Noes : Westerlund  
Absent : None

**(1-E) RESOLUTION NO. 2007-354 - DENYING CONDITIONAL USE PERMIT APPLICATION NO. C-06-229 FROM OMNIPOINT COMMUNICATION ON BEHALF OF T-MOBILE**

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution No. 2007-354 hereby adopted, by the following vote:

Ayes : Dages, Sterling, Westerlund, Xiong, Perea  
Noes : Calhoun, Duncan  
Absent : None

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**CONTESTED CONSENT CALENDAR:**

**(1-H) RESOLUTION NO. 2007-356 - AUTHORIZING A CONTRACT FOR HD SERIES MODULAR SKATE RAMPS AND INSTALLATION FROM SPOHN RANCH, INC., OF CITY OF INDUSTRY, CA, WITHOUT ADVERTISED COMPETITIVE BIDDING**

Councilmember Calhoun expressed his concern with the lack of competitive bidding and elaborated, with PRCS Director Cooper and Purchasing Manager Smith explaining issues and responding to questions relative to why there was only one qualified company, if a re-bid could result in additional bidders/different prices, who develops the specifications, who determines quality of equipment, and if non-competitive bids could be expected with future parks.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution No. 2007-356 hereby adopted, by the following vote:

Ayes : Dages, Duncan, Sterling, Westerlund, Xiong, Perea  
Noes : Calhoun  
Absent : None

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**(9:00 A.M.) PUBLIC COMMENT - UNSCHEDULED ORAL COMMUNICATION:**

Sherry Smith, 4724 W. Swift, spoke to her efforts to save Fire Station 16 or have a new station built in the Ashlan/Cornelia corridor.

Patricia Brown, Family Law and Special Education Attorney and Clinton campaign volunteer, spoke to some misunderstandings relative to Senator Clinton's rally at Fresno High School.

Donald Jadoon, 9033 N. N. Whitney, spoke to a letter relating to a Sugar Pine Trail easement and the need for the City to either maintain the property or keep it.

Charlie Waters invited Council members to attend the upcoming Veteran's Day Parade, and spoke in support of Donald Trump developing Running Horse as he has been the only one to come forth.

Jeff Schrager, local real estate broker and Vice President of the Community Housing Council of Fresno, spoke to the problem of home foreclosures, to the Housing Resource Center and the No Homeowner Left Behind collaborative effort to help homeowners sustain their homes, and the need for funding to assist in that collaborative effort. President Perea stating he was interested and requested Mr. Schrager leave information with his office staff. Acting President Xiong and Councilmember Sterling also spoke briefly to the issue and on-going efforts.

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**(9:15 A.M.) CITY COUNCIL:**

**(“A”) DIRECT CITY ATTORNEY TO RETURN WITH A MODIFICATION TO FMC SECTION 9-1107(g) THAT CURRENTLY DOES NOT ALLOW MOBILE VENDORS TO OPERATE WITHIN 1,000 FEET OF AN ELEMENTARY SCHOOL OR HIGH SCHOOL - COUNCILMEMBER DUNCAN**

Councilmember Duncan added junior high schools to the title; stated he was requesting Council's support to correct a clear unintended consequence of this section and spoke to how the ordinance has affected mobile vendors; advised he was asking for a distance modification from 1,000 feet to 150 feet which would keep vendors away from schools but not limit their ability to earn an income; spoke to material he submitted on how three other cities approach mobile vendors; stated the Police Chief and City Manager were supportive of this change; and clarified there would be further opportunities to discuss this after staff returns with the amendment.

Speaking in support of the issue were: Harry Gill, Clovis, CA **(3 - 0)**; an unidentified ice cream vendor; and Danny (last name inaudible), 3395 N. Cleo, ice cream vendor. Mr. Gill also requested vendors be allowed to travel around schools on weekends and after-school hours.

Councilmember Duncan made a motion to amend the code to change the 1,000 foot distance to a 150 foot radius from school property, which motion was seconded by Councilmember Dages.

Councilmember Westerlund presented questions, comments and concerns relative to whether Councilmember Duncan spoke with Fresno Unified about this change, if staff could provide the number of citations issued to vendors in the last 12 months, the problem of vendors parking their trucks within viewing distance of students, support for small businesses but his priority being child safety, the 150 foot radius being too close, if the vendors would support banning sales between 8:00 a.m. and 4-4:30 p.m., and support for a 300 or 350 foot radius and banning sales from between 8 and 4 pm. Councilmember Duncan and Mr. Gill responded throughout to questions.

Councilmember Dages commended Councilmember Duncan for looking out for small businesses, stated Councilmember Westerlund brought up some good points, and upon his questions Councilmember Duncan stated he would amend the motion to ban sales during school hours and Mr. Gill stated vendors were not supposed to sell items other than ice cream/soda/candy and he supported citations if violations occur.

Acting President Xiong stated he wanted to see the positions of the school districts and added also important and of concern to him were the sales of other items/toy guns and short-changing children stating that needed to be monitored. Councilmember Sterling stated safety was also important to her, spoke in support of the time ban, and stated she agreed with getting the school district's position or notifying them. Councilmember Duncan stated although he agreed with concerns he did not want other issues to be confused with this matter which was a distance issue. Councilmember Calhoun stated this was premature and he wanted to hear from the school districts that his district covers -- Fresno, Central and Clovis Unified -- before voting on anything, and made a motion to table the matter until Council gets their positions. Councilmember Duncan stated if Council supports this he had every intent to go to the school districts to get their positions.

A motion of Councilmember Calhoun, seconded by Councilmember Westerlund, to table the matter until a position is received from the Fresno, Central and Clovis Unified School Districts on the proposed 150' radius failed, by the following vote:

Ayes	:	Calhoun, Westerlund
Noes	:	Dages, Duncan, Sterling, Xiong, Perea
Absent	:	None

Councilmember Westerlund stated he could not support 150' and added he wanted the school safety managers to weigh in, whereupon Councilmember Dages clarified the intent here was to get a draft ordinance so there would be something to present to the schools districts. President Perea stated 150' may be too close for him but he would support moving forward and getting the positions of the school districts.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the City Attorney directed to return with a modification to FMC Section 9-1107(g) to decrease the 1,000 foot distance to a 150 foot radius, and ban sales during school hours, by the following vote:

Ayes	:	Dages, Duncan, Sterling, Xiong, Perea
Noes	:	Calhoun, Westerlund
Absent	:	None

**(“B”) REQUEST STAFF INCLUDE A SUPPLEMENT SECTION TO THE ADAPTIVE BUILDING REUSE ORDINANCE CURRENTLY IN THE FINAL ADOPTION PROCESS, OR THE VACANT BUILDING ORDINANCE AS NEEDED, THAT WILL MODIFY CURRENT ORDINANCES TO PROVIDE ENFORCEMENT FOR NEEDED IMPROVEMENTS IN VACANT BUILDINGS - COUNCILMEMBER CALHOUN**

Councilmember Calhoun gave an in-depth overview of the issue, all as contained in his staff report to Council as submitted, and stated either the Vacant Building Ordinance (VBO) needed to be beefed up and/or the Adaptive Building Reuse Ordinance (ABRO) needed to be tweaked adding he would leave it to staff to determine which is best, and made a motion to direct staff to return to Council within 90 days with a supplement to the ABRO and/or the VBO to include new enforcement measures.

Councilmember Westerlund stated ultimately there is an issue of economics involved and spoke to the cost to rehabilitate old buildings under new/different contemporary standards, referencing the report stated he did not think it was legal to force/require people to reoccupy their buildings, stated he understood the passion but he was not clear on what staff was being asked to go out and do, and relative to making a list of people who have not fixed up their property advised the City was still dealing with the anti-slumlord strike force and the many legal issues that go with that. Upon questions of Councilmember Duncan, City Attorney Sanchez stated (1) Council could force a property owner to secure a building/make it safe and provide incentives but attempting to force a property owner to use property in a certain way was something the courts would not look well upon, (2) the modification would apply to the entire city and not just downtown, and (3) the draft owner responsibility ordinance (ORO) would be coming forth within two weeks. Councilmember Duncan stated from a legal standpoint the ORO was probably a stronger approach, added he was concerned with legal and unintended consequences of the proposed modification, and stated he wanted to see what the City Attorney's concerns were before taking action on this.

Councilmember Dages stated his first concern as a real estate broker was “where are the property rights?”, added an ordinance that says “strongly encourage and encouragement” meant no teeth and he could not support that, stated he felt making developers finish a project before starting another one was a priority over this issue, and stated he could not support this until the City Attorney reports back on people’s property rights.

President Perea stated he concurred with the consensus, noted there could be the makings of a strong ordinance but he was not sure all the research was done or all the questions had been answered, and upon his call Councilmember Calhoun’s motion died for lack of a second. President Perea stated the lack of second did not mean Council was not supportive but the consensus was Council wanted to see more information.

**(“C”) DISCUSSION AND COUNCIL APPOINTMENT TO THE MAJOR STREET FEES APPEALS BOARD - PRESIDENT PEREA**

President Perea gave brief overview and stated he had not received any recommendations, and upon call for nominations Councilmember Westerlund stated he had a person in mind but had to check with him. President Perea directed staff set this matter back on the agenda next week and requested Council submit nominations to him by Thursday so action could be taken as a body.

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**(9:30 A.M.) GENERAL ADMINISTRATION:**

**(“A”) APPROVE THE FIRST AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN SMG AND THE CONVENTION AND VISITORS BUREAU (CVB) FOR CHANGES TO THE ORGANIZATIONAL STRUCTURE AND IMPROVEMENTS IN SERVICE**

**(4 - 0)** A motion and second was made to approve staff’s recommendation. City Manager Souza spoke to the background of the issue and noting there had been serious concerns stated tremendous improvements had been made and staff was very comfortable in bringing this item back to Council, and along with City Attorney Sanchez responded to questions and concerns of Acting President Xiong relative to the board structure and size (no less than 7 and no more than 21), why that was not addressed, and what needed to be done to decrease the size of the Board. Acting President Xiong stated he wanted 11 members and as recommended by Mr. Souza directed staff to report back in December on restructuring the Board and limiting the members to 11.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, **RESOLVED**, the first amendment to the agreement/MOU between SMG and the Fresno Convention and Visitor’s Bureau hereby approved, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea  
Noes : None  
Absent : None

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**(10:30 A.M.) WORKSHOPS ON:**

- 1. PUBLIC SAFETY CAPITAL PROJECTS: POLICE DEPARTMENT AND FIRE DEPARTMENT**
- 2. CONVENTION CENTER PHASE II**
- 3. PARK IMPACT FEE PROJECTS AND RIVERSIDE GOLF COURSE**

President Perea introduced the items.

**1. PUBLIC SAFETY CAPITAL PROJECTS: POLICE DEPARTMENT AND FIRE DEPARTMENT**

Police Chief Dyer, Fire Chief Bruegman and Assistant City Controller Bradley gave an in-depth PowerPoint presentation on the projects which included the 2025 Public Safety Commission Report, Impact Fee Adoption, Why the Capital Projects are Needed, Priorities through 2011, First Phase Projects (within 2 years), Second Phase Projects (within 4 years), Existing Facility Training Facility/Southeast District Station/Central District Station/Prisoner Processing Facility/Police Training Village, Summary Costs for Police Phase I and II Projects, Existing Fire Stations 11, 13, 16 and 18, New Fire Stations 16, 18 and 19, Rehabilitation of Older Stations, Summary Costs of Fire Phase I and II Projects, Facility Benefits, Future Fire and Police Projects, and Proposed Police and Fire Funding Sources, Funding Mechanism, and Bond Overview **(5 - 0)**.

Councilmembers Calhoun and Duncan thanked staff for their presentation, commented on the issue, and Chief Bruegman, Ms. Bradley and Chief Dyer responded to their questions and/or comments relative to whether there was anything in Phase I Fire that was dependent upon cooperative issues, lease purchase/bonding for the police stations, critical response vehicles, a business plan for the Regional Law Enforcement Training Center, request to see a financial analysis on the training center, need for the prisoner processing facility to come through the Public Safety JPA with a funding commitment, location of the Central police station, and what the plans were for the old Southeast and Central stations.

At this point proceedings were continued to 2:00 p.m. for the lunch recess.

#### **LUNCH RECESS - 12:01 P.M. - 2:00 P.M.**

#### **1. POLICE AND FIRE PUBLIC SAFETY CAPITAL PROJECTS - Continued**

Ms. Bradley and City Manager Souza responded to questions of Councilmember Westerlund relative to the Southeast and Central police stations, how the lease/purchase and bonding would work, bonding concerns, direction headed with impact fees, additional bonding for parks, what the City can afford and priorities, and security and collateralization. There was no further discussion.

#### **2. FRESNO CONVENTION & ENTERTAINMENT CENTER (FCEC) PHASE II**

General Services Director Nerland gave a PowerPoint presentation which included Previously Completed FCEC Phase I Projects and Photographs, Recommended Adjustments to FY 2008 Budget Appropriation for Phase II Renovation Projects, Why the Projects are Needed, Phase III Projects/Future Bond Financing/Falcons Lease, and Future Unfunded Capital Improvement Needs and SMG's \$11.7 Million Estimate. There were no questions and no discussion.

#### **3. PARK IMPACT FEE PROJECTS AND RIVERSIDE GOLF COURSE**

PR&CS Director Cooper gave a PowerPoint presentation which included Designation Fresno, We Grow the Economy, Impact Fee Projects Creating Local/State/National "Buzz", Project Summary, Woodward Park Bike Complex, Destination Fresno Venues, Woodward Park Amphitheater, Universally Accessible Park, Dickey Neighborhood Youth Center, Vagabond Pool Skate Complex, Regional Sports Complex Upgrades, Riverside Municipal Golf Course, Park Bond Summary, \$2.1 million Annual Debt Service, and Words to Leave With.

District 2 Council Assistant Kloose gave an in-depth presentation on the Figarden Community Park & Baseball Complex including the park's funding history, status, and need for additional funds to complete it **(6 - 0)**. Councilmember Calhoun spoke additionally to the issue, to his concern with the \$2 million budget reduction and the importance of completing the complex, to the benefit of the park to the entire community, and to his appreciation for the Riverside improvements and Phase II bond soccer field lighting. City Manager Souza clarified \$2 million was not arbitrarily "chopped out" and the reduction was due to the baseball fields going from three to one.

Assistant City Manager Ruiz spoke to the downtown "buzz" and how a project can transform downtown to a destination, and advised staff would be requesting funding next week to hire urban designer Peter Calthorpe to help integrate a water feature into the downtown green space and further elaborated.

Speaking to the issue were: Lisa LeBlanc, FUSD Facilities Management & Planning Executive Director, and Facilities Committee Co-Chair Dan Fitzpatrick, who requested a continued partnership and funding to support their facility master plan; and Roger Palomino, EOC Executive Director, who spoke to funds needed for a gymnasium construction project that is planned to be the city's emergency operation center.

Lengthy discussion ensued with Councilmembers Duncan, Dages, Xiong and President Perea presenting questions and/or comments relative to charging non-residents an additional fee at Riverside, recommendation to remove any reference to a downtown water feature, support for partnering with FUSD, support for the bond because of all it can do and keeping kids busy and out of trouble, support for FUSD's request for \$2 million, need to ensure the partnership is equitable, how parks projects will be maintained after they are built, if impact fees are eligible for partnering, agreement on need for an equitable partnership, and support for the proposal except for the water feature. There was no further discussion.

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**(11:00 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

The City Council recessed at 3:12 p.m. and convened in joint session with the Redevelopment Agency.

**APPROVE AGENCY MINUTES OF OCTOBER 16, 2007**

On motion of President Perea, seconded by Councilmember Westerlund, duly carried, RESOLVED, the Agency minutes of October 16, 2007, approved as submitted.

**(A) ADOPT AN AFFORDABLE HOUSING POLICY REQUIRING ALL FUTURE NEW CONSTRUCTION AFFORDABLE HOUSING DEVELOPMENTS THAT RECEIVE CITY OR REDEVELOPMENT AGENCY FUNDING TO INCLUDE BASIC UNIVERSAL DESIGN (UD) FEATURES - COUNCILMEMBER STERLING (JOINT ACTION)**

HCD Manager Sigala gave a PowerPoint presentation on the issue which included the Universal Design (UD) Subcommittee, What is UD, Common Features, How UD is Different from Accessibility, Current ADA Requirements for New Residential Construction, Recent Legislation, Case Studies and Examples of UD, Builder Considerations, UD Ideas for Fresno, Exemptions, Ideas for the City of Fresno, and Additional Features.

Speaking in support of the issue were: Jose Luis Barraza, 4243 E. Thomas, Housing Partnership for the Disabled (HPD) Chairman **(7 - 0)**; Marilyn Jost, 557 S. Peach, who also submitted a book to Council entitled "The Accessible Home" signed by members of the HPD; Bonnie Rusko, 2041 W. Fremont, Member of the HPD, Disabled American Veterans, Fresno Housing Alliance and Center for Independent Living; Eric Mejia, 5326 N. Bond; and Jimmy Soto, 7395 N. Cencetti.

Councilmember Calhoun noted he attended the UD home demonstration with Councilmember Sterling and stated he was very impressed and proud that the City was moving in this direction, relative to the "no cost" statement stated there would be some initial cost and explained, and stated UD was logical and would make life easier for all and made a motion to approve staff's recommendation, which motion was seconded by Chair Sterling. Mr. Sigala, Mr. Barraza and Ms. Jost responded to questions of Councilmembers Dages and Westerlund relative passageway and hallway measurements/sizes, stair chair lifts, which Housing funds would be used, if this would apply to non-affordable developments also, standard measurements/size, if the no step feature posed any liability issues, and measurement concerns and need to be careful to not drive up costs too much.

On motion of Councilmember Calhoun, seconded by Chair Sterling, duly carried, RESOLVED, the City Attorney directed to draft and return with an affordable housing policy in the form of a resolution or other policy instrument, requiring all future new construction affordable housing developments that receive City or Redevelopment Agency funding to include the five basic features of Universal Design, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Perea, Westerlund, Xiong, Sterling
Noes	:	None
Absent	:	None

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The joint bodies adjourned their meeting at 3:45 p.m. and the City Council reconvened.

**(2:15 P.M.) APPROVE PARATRANSIT (HANDY RIDE) PROGRAM IMPROVEMENTS BY APPROVING AN ADDENDUM TO THE PARATRANSIT SERVICES CONTRACT WITH MV TRANSPORTATION**

**1. RESOLUTION - 40<sup>TH</sup> AMENDMENT TO THE AAR APPROPRIATING \$896,300 TO FUND THE HANDY RIDE PROGRAM (FAILED, due to the need for five affirmative votes)**

Transportation Director Hamm reviewed the issue, all as contained in the staff report as submitted and recommended approval.

Councilmember Sterling thanked staff, MV and ATU for all their work and made a motion to approve, which motion was seconded by Acting President Xiong.



Councilmembers Calhoun, Duncan and Westerlund presented questions, comments and/or concerns relative to contract ratification and lack of details, concern with the wage increases, what the raise was for FAX drivers, the unusual MV/ATU contract negotiations and the City not being involved, if private providers can pay whatever they want as long as they are within the contract amount, if staff does not expect FAX drivers to now come forth and request a 20% wage increase, concern that a road map was laid out for the next set of negotiations, if any of the additional funding was required due to the salary increase negotiated, how the wage increase will be dealt with in the second and third years, and what the amount was in the contract that the City did not participate in, with Mr. Hamm and AMC Rudd responding throughout.

President Perea stated he was supportive of staff's recommendation, pointed out some loss of control and not being at the table in labor negotiations are what happens when the City privatizes services, and stated staff did a great job providing effective service while working within the confines a previous Council put them in.

Relative to the concern expressed about not having timely notification in terms of the negotiations, City Attorney Sanchez stated if Council was inclined to have that advance notification it could be put on the record as part of approval, with President Perea thanking Mr. Sanchez for the suggestion.

On motion of Councilmember Sterling, seconded by Acting President Xiong, duly carried, RESOLVED, the Addendum to the current contract between the City and MV Transportation hereby approved, and the above entitled Resolution failed, due to the need for five affirmative votes, by the following vote:

Ayes	:	Dages, Sterling, Xiong, Perea
Noes	:	Duncan, Westerlund
Absent	:	None
Abstain	:	Calhoun

**(8 - 0)** Upon question of President Perea, Mr. Rudd advised the existing contract was still in place and enforceable and relative to the resolution stated staff would have to figure out what the options are.

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**(9:30 A.M.) GENERAL ADMINISTRATION - CONTINUED:**

**(“B”) RENAMING THE PARKS, RECREATION AND COMMUNITY SERVICES (PRCS) DEPARTMENT TO PARKS, AFTER-SCHOOL, RECREATION AND COMMUNITY SERVICES (PARC) DEPARTMENT**

PR&CS Director Cooper reviewed the issue and elaborated on the expanded after-school division and programs, and requested approval.

Councilmember Calhoun acknowledged the department was providing worthwhile services but questioned if names should continue to be added, stated Community Services covered it all and added Planning & Development with its' code enforcement function did not do this, stated the phrase “keep it simple” was the best way to sell a service, and clarified he appreciated what the department was doing but stated adding to the name was overkill and not necessary.

Councilmember Sterling commented on the issue and stated she was not supportive at first but was now after looking at the connection and the idea being for the benefit of the kids, and made a motion to approve. Councilmember Dages thanked staff for the programs in his district.

On motion of Councilmember Sterling, seconded by Councilmember Dages, duly carried, RESOLVED, the Parks, Recreation and Community Services (PRCS) Department hereby renamed Parks, After-School, Recreation and Community Services (PARC) Department, by the following vote:

Ayes	:	Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes	:	Calhoun
Absent	:	None

**(“C”) APPROVE THE SOLAR ENERGY SYSTEM REBATE AND LOAN PROGRAM**

**1. CONSIDER AND ACCEPT E.A. NO. 014-07194 DETERMINATION OF EXEMPTION FOR ADMINISTRATION OF THE PROGRAM**

**2. RESOLUTION NO. 2007-357 - APPROVING A RESIDENTIAL SOLAR ENERGY SYSTEM REBATE AND PROGRAM LOAN**

HCD Manager Sigala reviewed the issue, all as contained in the staff report as submitted. President Perea thanked staff for bringing this forth, noted this was part of the Fresno Green effort and was discussed during budget, added this program would help those who are ready for the next step but can not afford a solar energy system due to the high cost, and stated this was an opportunity see if there is interest and to be a bigger player in the solar energy market and made a motion to approve, which motion was seconded by Councilmember Dages.

Councilmember Duncan spoke in opposition, stated he appreciated President Perea and staff's desire to save energy and be more green but this would not do that, noted no financial analysis was conducted to see if this made sense, stated the \$15,000 would be a City-subsidized gift to the more affluent and further elaborated, and concluded stating he would hate to see city staff become consumer loan processors.

Acting President Xiong spoke to the rebates and the criteria being different from the loan, stated his concern was rebates would take all the money and he wanted a cap on that budget, and upon his request the motion was amended to split the \$200,000 budget in half for equal rebate and loan funds.

On motion of President Perea, seconded by Councilmember Dages, duly carried, RESOLVED, E.A. No. 014-07194 accepted and the above entitled Resolution No. 2007-357 hereby adopted, as amended, to designate \$100,000 for rebates and \$100,000 for loans, by the following vote:

Ayes	:	Calhoun, Dages, Sterling, Xiong, Perea
Noes	:	Duncan, Westerlund
Absent	:	None

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**(2:00 P.M.) CLOSED SESSION:**

**(A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAME: COF V. MARK TOPOOZIAN, ET AL.**

The City Council met in closed session in Room 2125 at the hour of 4:37 p.m. to consider the above matter and the meeting was adjourned thereafter.

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**ADJOURNMENT**

There being no further business to bring before the City Council, the hour of 4:40 p.m. having arrived and hearing no objections, President Perea declared the meeting adjourned.

*Approved* on the \_\_\_\_ 6th \_\_\_\_\_ day of \_\_\_\_\_ November \_\_\_\_\_, 2007.

_____/s/_____ Henry T. Perea, Council President	ATTEST: _____/s/_____ Yolanda Salazar, Assistant City Clerk
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